

SAMHSA Fetal Alcohol Spectrum Disorders Center for Excellence
Fetal Alcohol Syndrome Legislation by State Introduced in 2003-2004
(As of April 2004)

In 2003-2004 the following States either introduced or passed legislation related to fetal alcohol spectrum disorders (FASD): Arizona, Colorado, Illinois, Indiana, Louisiana, Maryland, Minnesota, Nevada, New Jersey, North Carolina, Virginia. Of those 11 States, Maryland and Nevada introduced more than one FASD-related bill. The bills fall into three categories:

1. **General FASD Information**, including definitions, birth registries, and parental consent for FASD testing (6 States)
2. **Prevention and Intervention Services**, including research and public information and awareness (6 States)
3. **Training and Licensing**, including teacher certification and physician licensing (2 States)

Table 1.1 provides nationwide legislation pertaining to FASD either introduced or passed within the 2003-2004 legislative session. Language of the legislation appears verbatim and has not been edited.

Table 1.1

State	Bill Number	Categories	Description	Introduced	Status
Arizona	H2024	General FASD Information	Concerns Child Protective Services; revises neglect, abuse and investigation definitions and records treatment; changes dependency and parental rights procedures; makes determination of what constitutes neglect of a child which may include drug or alcohol abuse of the child's parent, guardian or custodian or the use by the mother of a dangerous drug, a narcotic drug or alcohol during pregnancy if at birth or within a year after birth the child is demonstrably adversely affected by this use; prohibits public access to juvenile chemical dependency evaluations and records.	2003	Enacted 12/18/2003

State	Bill Number	Categories	Description	Introduced	Status
Colorado	H1024	General FASD Information	Concerns child care, and in connection with child care, making modifications to certain statutes affecting foster care child placement agencies; defines medical foster care which provides home-based care for medically fragile children and youth impacted by prenatal drug and alcohol abuse.	2003	Enacted 5/22/2003
Illinois	SB1889	Prevention and Intervention Services	Amends the Alcoholism and Other Drug Abuse and Dependency Act. Requires the Department of Human Services to design and implement an ongoing statewide campaign to raise public awareness about fetal alcohol syndrome and other effects of prenatal alcohol exposure. Provides that the campaign must include pamphlets that describe the causes and effects of fetal alcohol syndrome and provides that the Department must distribute the pamphlets free of charge.	2003	Re-referred to Rules Committee 3/14/2003
Indiana	SB188	General FASD Information	Birth problems registry and cancer registry. Allows the state department of health to record certain nonmalignant tumors and diseases in the cancer registry. Requires ambulatory outpatient surgical centers and health facilities to report to the cancer registry. Changes the date by which the state department must publish an annual report to December 31. Includes pervasive developmental disorders and fetal alcohol spectrum disorders as birth problems and requires these disorders to be recorded in the birth problems registry if recognized in a child before the child is five years of age.	2004	Enacted 3/16/2004 (Effective July 1, 2004)

State	Bill Number	Categories	Description	Introduced	Status
Louisiana	H243	General FASD Information	Enacts safe haven relinquishment provisions for newborn infants whereby any parent may relinquish the care of an infant to the state without prosecution; provides that an act of relinquishment constitutes parental consent for the purposes of examining and testing if the infant suffered fetal exposure to alcohol or drugs.	2003	Enacted 6/27/2003
Maryland	HB1270	Prevention and Intervention Services	Task Force to Study the Prevention of Fetal Alcohol Syndrome. Creates a task force to jointly with the Department of Health and Mental Hygiene, identify certain at-risk individuals and groups, review and coordinate certain State programs related to Fetal Alcohol Syndrome, and develop guidelines for the creation of a certain campaign related to Fetal Alcohol Syndrome. Requiring the Task Force to submit a certain report to the Governor and certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study the Prevention of Fetal Alcohol Syndrome.	2004	Assigned to House Committee on Health and Government Operations 2/13/2004
Maryland	HB1273	Training and Licensing	Teachers - Certification - Fetal Alcohol Spectrum Disorders Course Credit. For the purpose of requiring the State Superintendent of Schools and the Professional Standards and Teacher Education Board to require certain applicants for a teacher's certificate to complete a certain number of semester hours covering Fetal Alcohol Spectrum Disorders and to determine the number of minimum semester hours covering Fetal Alcohol Spectrum Disorders required for a teacher's certificate.	2004	Assigned to Ways and Means. Received an unfavorable report on 3/27/2004

State	Bill Number	Categories	Description	Introduced	Status
Maryland	HB1274	Prevention and Intervention Services	Public Health - Fetal Alcohol Syndrome Prevention - Public Awareness Campaign. For the purpose of requiring the secretary of health and mental hygiene, in collaboration with other State agencies, to establish and promote a statewide public information, awareness, and education campaign relating to the prevention of Fetal Alcohol Syndrome; providing for the components of the campaign; authorizes the Secretary to use specified resources to carry out the provisions of the Act.	2004	Assigned to the Senate Committee on Education, Health and Environmental Affairs 3/30/2004
Maryland	HB1114	Training and Licensing	State Board of Physicians - Licensing and Continuing Education Requirements. For the purpose of requiring physicians to complete a course or program on Fetal Alcohol Spectrum Disorders before becoming licensed; and authorizing the State Board of Physicians to require licensees to complete continuing education requirements on Fetal Alcohol Spectrum Disorders.	2004	Assigned to Health and Government Operations 2/18/2004
Minnesota	HF2513SF1969	Prevention and Intervention Services	On July 1 of each fiscal year, beginning July 1, 2004, \$1.19 million of the general fund appropriation to the commissioner of health for <u>fetal alcohol spectrum disorder administration and grants shall be transferred to a statewide organization that focuses solely on prevention of and intervention with fetal alcohol spectrum disorder.</u> The money shall be used for prevention and intervention services and programs, including, but not limited to, community grants, professional education, public awareness, and diagnosis.	2004	Enacted – Date Unknown (Effective July 1, 2004)

State	Bill Number	Categories	Description	Introduced	Status
Nevada	HB307	Public Information and awareness	Requires posting of signs in certain food establishments warning of risk of drinking alcoholic beverages during pregnancy and <u>merges Advisory Subcommittee on Fetal Alcohol Syndrome into Advisory Board on Maternal and Child Health.</u>	2003	Approved by Governor 5/28/2003
Nevada	SB281	General FASD Information	"Fetal Alcohol Syndrome" includes Fetal Alcohol Effects.	2003	Approved by Governor 5/26/2003
New Jersey	A.J.R 88	Prevention and Intervention Services	Designates September 9 th of each year as " <u>Fetal Alcohol Syndrome Awareness Day.</u> "	2004	Assigned to Committee on Family, Women and Children's Services 2/19/2004
North Carolina	HG1118	Prevention and Intervention Services	An act to require <u>signs to be posted warning of the possible dangers of consumption of alcohol during pregnancy.</u>	2003	Enacted 7/20/2003

State	Bill Number	Categories	Description	Introduced	Status
Virginia	SB314	General FASD Information	Physicians, nurses, teachers, etc., to report certain injuries to children; penalty for failure to report. For purposes of subsection A, <u>“reason to suspect that a child is abused or neglected” shall include...(iv) a diagnosis by an attending physician made within seven days of a child’s birth that the child has fetal alcohol syndrome attributable to in utero exposure to alcohol.</u> When “reason to suspect” is based upon this subsection, such fact shall be included in the report along with the facts relied upon by the person making the report. Any person required to file a report pursuant to this section who fails to do so within seventy-two hours of his first suspicion of child abuse or neglect shall be fined not more than \$500 for the first failure and for any subsequent failures not less than \$100 nor more than \$1,000.	2004	Enacted 1/29/04